

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

IBRAHIM TURKMEN, AKHIL SACHDEVA,)
AHMER IQBAL ABBASI, ANSER MEHMOOD,)
BENAMAR BENATTA, AHMED KHALIFA,)
SAEED HAMMOUDA, and PURNA RAJ)
BAJRACHARYA on behalf of themselves and all)
others similarly situated,)
Plaintiffs,)
v.)
JOHN ASHCROFT, former Attorney General of)
the United States, ROBERT MUELLER, Director)
of the Federal Bureau of Investigation, JAMES)
W. ZIGLAR, former Commissioner of the)
Immigration and Naturalization Service, DENNIS)
HASTY, former Warden of the Metropolitan)
Detention Center (MDC), MICHAEL ZENK,)
former Warden of the MDC, JAMES)
SHERMAN, former MDC Associate Warden for)
Custody, SALVATORE LOPRESTI, former)
MDC Captain, and JOSEPH CUCITI, former)
MDC Lieutenant,)
Defendants.)

Case No. CV-02-2307 (JG)(SMG)

**DEFENDANT DENNIS HASTY'S NOTICE OF
MOTION TO DISMISS THE FOURTH AMENDED COMPLAINT**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 12(b),

Defendant Dennis Hasty moves this Court, the Honorable John Gleeson, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, for an order dismissing all claims alleged against him in his individual capacity in Plaintiffs' Fourth

Amended Complaint. The grounds in support of this Motion are fully set forth in the accompanying Memorandum of Law. In addition, Hasty relies upon Plaintiffs' "stipulat[ion] that any issue preserved by Defendants in their 2006 appeals and not yet decided by the Court of Appeals may still be argued in that court." *Letter to Court* (Oct. 11, 2010) (Dkt. No. 733), at 1. For similar purpose of appellate preservation, Hasty respectfully incorporates the merits arguments in his previous memorandum in support of the Motion to Dismiss the Third Amended Complaint (Dkt. No. 205-1) by reference.

Respectfully submitted,

Dated: November 12, 2010

/s/

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Counsel for Defendant Dennis Hasty

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing Notice of Motion to Dismiss the Fourth Amended Complaint and accompanying Memorandum of Law with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record in the case as follows:

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I also certify that on this date, I sent by U.S. Mail a copy of the foregoing Notice of Motion to Dismiss the Fourth Amended Complaint and accompanying Memorandum of Law to *pro se* Defendant Joseph Cuciti at his home address, which was privately circulated by his former counsel so as not to publish it on court filings.

Dated: November 12, 2010

/s/
David E. Bell